Application Serial No.: 09/757,761   Reply to Office action of: 04/09/2004
Amendment dated: 08/02/2004   Attorney Docket No.: ITT-006.C2

REMARKS

Applicant respectfully submits that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

THE CLAIMS

Claim Rejection under 35 USC 112

Claim 4 was rejected under 35 USC 112, Second Paragraph for containing an informality. This informality has now been corrected in satisfaction of 35 USC 112.

Double Patenting

Claims 1-5 were rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-61 of U.S. Patent No. 5,917,904; claims 1-36 of U.S. Patent No. 6,201,864.

Applicant submits herewith the corresponding terminal disclosure.

Claim Rejection under 35 USC 102

Claims 1-2, and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Tomiyori (U.S. patent No. 5,305,372). Applicant respectfully submits that Tomiyori does not disclose all the elements and limitations of the rejected claims. Consequently, claims 1 2, and 4 are not anticipated under 35 U.S.C. 102, and the allowance of these claims is earnestly solicited. In support of this position, Applicant submits the following arguments:

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A. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicant's position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner,* 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

- "**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.,* 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

B. Brief Summary of the Present Invention

Prior to presenting substantive arguments in favor of the allowability of the claims on file, it might be desirable to briefly review the present invention. The present invention comprises four principle elements: (1) a telephone instrument; (2) a computer; (3) an automatic dialer; and (4) a telephone line.

The present invention may be used for a particular telephone subscriber or a particular telephone number. The means to effect the present invention can be located near or in a caller's telephone instrument, a PBX, or a telephone company central office. Additionally, the present invention can be used with both wireless

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and wire telephones. The preferred embodiment of the present invention is a system for automatically dialing local and long distance calls in the United States. However, the same system could also be used for dialing international calls as well.

The computer contains the system of the present invention which includes a data base grouped into N - files. These files may be searched by the computer system during and after the caller dials a number. The system first determines during dialing whether the dialed number exactly corresponds to any of the restricted numbers in **File 2, which stores numbers that have been selected for special handling**. If the dialed number matches one of the restricted numbers, the system will either automatically out-dial the dialed number or the system will abort the call, depending on whether the dialed number is subject to automatic dialing.

If the dialed number does not match one of the restricted numbers, the system determines whether the first digit dialed was a 1. If the first digit dialed was a 1, the system will then determine whether ten additional digits have been dialed. In the event that ten additional digits were not dialed, the system will abort the call. On the other hand, if ten additional digits were dialed, the system out-dials the eleven digit number and stores the out-dialed number in the front of **File 1, which stores one of each of the numbers that previously has been dialed. In this manner, File 1 is continuously and automatically updated as numbers are out-dialed.**

If the system determines that the first digit dialed is not a 1, the system will then determine whether seven digits have been dialed. In the event that seven digits were not dialed, the system will abort the call. On the other hand, if seven digits were dialed, the system determines whether the right hand most seven digits of any number in File 1 match the dialed number. If there is a match and the caller approves the number to be dialed, the system out-dials the number and moves the out-dialed number to the front of File 1.

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If there is a match and the caller rejects the number but elects to continue the search or if there is no match, the system will then determine whether the prefix of the seven digit dialed number is located in File 3, which stores all of the prefixes in the caller's local area code. If the prefix of the dialed number appears in File 3 and the caller approves the number to be dialed, the system out-dials the number and moves the out-dialed number to the front of File 1. If there is a match and the caller rejects the number but elects to continue the search or if there is no match, the system will then determine whether the prefix of the dialed number is located in the highest priority outside area code file, which stores the prefixes of the highest priority outside area code. The system proceeds through each of the N - priority outside area code files, in the same manner described above, until a match is approved and the 1 + area code with the number dialed is out-dialed and stored in File 1 or until the last file has been searched without a match. The process may be interrupted, of course, if the caller hangs up or the telephone line is no longer available.

In accordance with the above description, the data base of the system of the present invention need only contain area codes and telephone numbers, and the system need not cross link any of these numbers with a caller selected name, abbreviated name or code number. Additionally, the system continually updates and alters the data base by storing previously dialed numbers in File 1. The concept of linking a particular telephone number to its area code based on (1) the combination of the number and area code having been previously dialed, and (2) based on the available exchange prefix in selected area codes is novel.

In one embodiment, before the number is out dialed, the system searches a data base that includes one or more key words established by a party independent of the caller and linked with the telephone number to be out-dialed. A party independent of the speaker is defined at page 20, lines 9-11 of the application as "a party that can establish one or more key words linked to an

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address without the approval of the caller." This is further defined at page 18 line
32 through page 19 line 3.

An independent third party, as used in this embodiment, can be a party a) that
is not under the control of the individual telephone caller, user or speaker; and b)
has the capability of establishing the combination of a key word and its
corresponding address for use by a multiplicity of callers, users or speakers, without
the direct approval or knowledge of said caller, user or speaker. Examples of such
independent third parties would include a provider of telephone or internet
services or equipment.

C. Claims 1-2, and 4 in Light of Tomiyori

The office action rejected claim 1 reasoning that:

> "**Regarding claim 1,** Tomiyori teaches a method of out-dialing an
> address having a plurality of digits, comprising:
> initiating a call by dialing a sequence of digits representing the
> address to be out-dialed (see col.1, ln.55-65, col.3, ln.60-65);
> recognizing at least a part of the dialed digits, and further recognizing
> the sequence of the recognized dialed digits (see col.1, ln.55-65, col.3, ln.58-
> 67);
> before the address is out-dialed, searching a data base that includes
> at least portions of a plurality of digits for the recognized dialed digits, and
> for the recognized sequence of the recognized dialed digits (see col.1, ln.45-
> 67);
> before the address is out-dialed, **matching the digits and the
> sequence to digits in a data base of addresses requiring special handling**
> (i.e., country code)(see col.4, ln.13-39); and
> if there is no match in the data base, searching a data base that
> includes at least portions of **a plurality of previously out-dialed addresses for
> the recognized dialed digits** (see col.4, ln.13-39)." Emphasis added.

Applicant respectfully submits that Tomiyori does not teach the matching of
digits in a data base of addresses requiring special handling. In fact, Tomiyori does
not teach using a data base of addresses requiring special handling against which
to match.

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In addition, the Examiner analogized country codes to addresses requiring special handling. Applicant respectfully traverses this rejection ground on the basis that **an area code is not an address. An address is defined in the specification "contains at least all the digits necessary to define a unique destination according to standards established by accepted procedure or authorities.** Reference is made to page 16, lines 13-14 of the specification. An area code does not define a unique destination.

It should be clearly noted that the term "special handling" is already explicitly defined at page 18, lines 7-10, as follows: "File 2 includes addresses selected for special handling. An address selected for special handling is an address that is associated with one or more instructions such that, when the digits are out-dialed, the out-dialed address is distinguished by those instructions from addresses not selected for special handling." As a result, it would be unjustifiable for the Examiner to redefine the term "special handling" to cover "area codes."

Furthermore, Tomiyori does not disclose a data base of previously dialed numbers against which to match.

The office action rejected claim 2, reasoning that:
> "**Regarding claim 2,** Tomiyori teaches a method of out-dialing an address having a plurality of digits, comprising:
> initiating a call by dialing a sequence of digits representing an address to be out-dialed (see col.1, ln.55-65, col.3, ln.60-65);
> recognizing at least a part of the dialed digits, and further recognizing the sequence of the recognized dialed digits (see col.1, ln.55 65, col.3, ln.58 67);
> before the address is out-dialed, searching a data base that includes at least portions of a plurality of previously out-dialed addresses, for the recognized dialed digits (see col.1, ln.45-67);
> before the address is out-dialed, automatically searching a **data base of addresses that require special handling (country code) for the recognized dialed digits, and for the recognized sequence of the**

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<u>recognized dialed digits</u> (see col.4, ln.13-39);
before the address is out-dialed, <u>automatically matching the digits
and the sequence to digits in a data base of addresses requiring
special handling</u> (see col.4, ln.13-39)." Emphasis added.

As presented earlier in connection with claim 1, Applicant respectfully submits
that <u>Tomiyori does not teach searching a data base of addresses requiring special
handling</u>.

The office action rejected claim 4, reasoning that:

"<u>Regarding claim 4,</u> Tomiyori teaches an apparatus for out-
dialing an address, comprising;
<u>a data base</u> including at least portions of a plurality <u>of
previously out-dialed addresses</u> (see col.1, ln.45-67);
the <u>data base</u> including information about a switching code
(i.e., area code, toll area code) for each <u>of the previously out-dialed
addresses</u> (see figure 1, memory 11, col.1, ln.44-55);
a data base of addresses for a plurality of switching codes,
including information about the switching code for each address; <u>a
connection between the data base of addresses for a plurality of
switching codes, and the data base of previously out-dialed addresses</u>
(see figure 1, memory 11, col.1, ln.44-55);
at least one-number in the data base of addresses for a
plurality of switching codes matching at least one address in the
data base of previously out-dialed addresses (see col.4, ln.13-39);
and
the connection causing the identified <u>previously out-dialed
address to be changed in the data base of previously out-dialed
addresses</u> (see col.1, ln.60-67, col.2, ln.1-9)." Emphasis added.

Applicant respectfully submits that <u>Tomiyori does not teach a</u> data base of
previously out-dialed numbers. In Figure 1 of Tomiyori, memory 11 is a speed dialing
which is manually setup and has no correlation to numbers previously dialed
(although some may have been previously dialed – but they might not have).

In addition, Tomiyori does not disclose a data base of previously out-dialed
numbers.

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Furthermore, Tomiyori lacks both a data base of previously out-dialed addresses and a connection between the data base of addresses (speed dialing in Tomiyori) and the data base of previously out-dialed numbers.

Moreover, Tomiyori does not provide an identification of a previously out-dialed address, a database of previously out-dialed addresses, or a "connection" or the "changing" of the previously out-dialed addresses.

To conclude, independent claims 1, 2, and 4 are allowable for not being anticipated by Tomiyori, and such allowance is respectfully requested.

Claims Rejection under 35 USC 103

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomiyori (U.S. patent No. 5,305,372) in view of Kaneuchi et al. (U.S. Patent No. 4,945,557, hereinafter, "Kaneuchi"). Applicant respectfully submits that neither Tomiyori nor Kaneuchi discloses all the essential elements and limitations of the rejected claims. Consequently, claims 3 and 5 are not unpatentable under 35 U.S.C. 103, and the allowance of these claims is earnestly solicited. In support of this position, Applicant submits the following arguments:

A. Legal Standard of Obviousness

The following legal authorities set the general legal standards in support of Applicant's position of non obviousness, with emphasis added for added clarity:

- MPEP 706.02(J), "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all

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__the claim limitations__. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) ... The initial burden is on the examiner to provide some __suggestion of the desirability__ of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the __references must expressly or impliedly suggest the claimed invention__ or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)."

- __In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is__ not whether the differences themselves would have been obvious, but __whether the claimed invention as a whole would have been obvious__. The prior art perceived a need for mechanisms to dampen resonance, whereas the inventor eliminated the need for dampening via the one-piece gapless support structure. "Because that insight was contrary to the understandings and expectations of the art, the structure effectuating it would not have been obvious to those skilled in the art." 713 F.2d at 785, 218 USPQ at 700 (citations omitted).

- MPEP §2143.03, "All Claim Limitations Must Be Taught or Suggested: To establish prima facie obviousness of a claimed invention, __all the claim limitations must be taught or suggested by the prior art__. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "__All words in a claim must be considered__ in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

- MPEP §2143.01, "The Prior Art Must Suggest The Desirability Of The Claimed Invention: There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (__The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a prima facie case of obvious was held improper__.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

- "__Obviousness cannot be established__ by combining the teachings of the prior art to produce the claimed invention, __absent some teaching or suggestion__ supporting the combination." _In re Fine, 837 F.2d at 1075, 5 USPQ2d at 1598_

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(citing *ACS Hosp. Sys. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)).* <u>What a reference teaches</u> and whether it teaches toward or <u>away from the claimed invention</u> are questions of fact. See *Raytheon Co. v. Roper Corp., 724 F.2d 951, 960-61, 220 USPQ 592, 599-600 (Fed. Cir. 1983),* cert. denied, *469 U.S. 835, 83 L. Ed. 2d 69, 105 S. Cl. 127 (1984).* "

- "When a rejection depends on a combination of prior art references, there must be <u>some teaching, suggestion, or motivation</u> to combine the references. See *In re Geiger,* 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987)." <u>Obviousness can only be established by combining or modifying</u> the teachings of the prior art to produce the claimed invention <u>where there is some teaching, suggestion, or motivation</u> to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See MPEP 2143.01; In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

- "With respect to core factual findings in a determination of patentability, however, the <u>Board cannot simply reach conclusions based on its own understanding or experience</u> – or on its assessment of what would be basic knowledge or common sense. <u>Rather, the Board must point to some concrete evidence in the record</u> in support of these findings." See In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001).

- "We have noted that <u>evidence of a suggestion, teaching, or motivation to combine</u> may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved, see Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), Para-Ordinance Mfg. v. SGS Imports Intern., Inc., 73 F.3d 1085, 1088, 37 USPQ2d 1237, 1240 (Fed. Cir. 1995), although "the suggestion more often comes from the teachings of the pertinent references," Rouffet, 149 F.3d at 1355, 47 USPQ2d at 1456. The range of sources available, however, does not diminish the requirement for actual evidence. That is, <u>the showing must be clear and particular</u>. See, e.g., C.R. Bard, 157 F.3d at 1352, 48 USPQ2d at 1232. <u>Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."</u> E.g., McElmurry v. Arkansas Power & Light Co., 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) ("Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact."); In re Sichert, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977)." See In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999).

- "To prevent the use of hindsight based on the invention to defeat patentability of the invention, <u>this court requires the examiner to show a motivation to combine the references</u> that create the case of obviousness. In other words, <u>the</u>

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<u>examiner must show reasons</u> that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references <u>for combination in the manner claimed</u>." See In re Rouffet, 149, F.3d 1350 (Fed. Cir. 1998).

- The mere fact that references can be combined or modified does not render the resultant combination obvious <u>unless the prior art also suggests the desirability of the combination</u>. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, <u>there must be a suggestion or motivation in the reference</u> to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

- If the <u>proposed modification would render the prior art invention being modified unsatisfactory</u> for its intended purpose, <u>then there is no suggestion or motivation</u> to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

B. Application of the Non-Obviousness Standards

The office action rejected claims 3 and 5, reasoning that:

"<u>Regarding claim 3</u>, Tomiyori teaches a method of out-dialing a telephone number, comprising:
initiating a call by dialing a sequence of digits representing the phone number to be out-dialed (see col.1, ln.55-65, col.3, ln.60-65);
recognizing at least a part of the dialed digits, and further recognizing the sequence of the recognized dialed digits (see col.1, ln.55-65, col.3, ln.58-67);
causing the associated phone number to be out-dialed (see col.4, ln.5-39).
t should be noticed that Tomiyori fails to clearly teach searching a data base (i.e. memory) that includes one or more key words established by a party independent of the caller and linked with the telephone number to be out-dialed; before the number is out-dialed, automatically matching the dialed digits and the key words in the data base of key words; matching the dialed sequence of digits to a key word in the data base. However, Kaneuchi teaches such features (see col.4, ln.38-67, col.5, ln.1-24, col.7, ln.1-60) for a purpose of dialing a part of the telephone number.
Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of searching a data base (i.e. memory) that includes one or more key words established by a party independent of the caller and linked with the telephone number to be out-dialed; before the number is out-dialed, automatically matching the

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dialed digits and the key words in the data base of key words; matching the dialed sequence of digits to a key word in the data base, as taught by Kaneuchi, into view of Tomiyori in order to save time and without remember the long telephone number.

Regarding claim 5, Tomiyori teaches a method of out-dialing an address having a plurality of digits, comprising:

initiating a call by dialing a sequence of digits representing the address to be out-dialed (see col.1, ln.55-65, col.3, ln.60-65);

recognizing at least a part of the dialed digits, and further recognizing the sequence of the recognized dialed digits (see col.1, ln.55-65, col.3, ln.58-67);

before the address is out-dialed, searching a data base that includes at least portions of a plurality of digits for the recognized dialed digits, and for the recognized sequence of the recognized dialed digits (see col.1, ln.45-67);

before the address is out-dialed, matching the digits and the sequence to digits in a data base of addresses requiring special handling (i.e., country code)(see col.4, ln.13-39); and

if there is no match in the data base, searching a data base that includes at least portions of a plurality of previously out-dialed addresses for the recognized dialed digits (see col.4, ln.13-39).

It should be noticed that Tomiyori fails to clearly teach the voice recognition in the telephone system. However, Kaneuchi teaches such features (see col.4, ln.38-67, col.5, ln.1-24, col.7, ln.1-60) for a purpose of making a call without dialing the telephone number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to in corporate the use of voice recognition in the telephone system, as taught by Kaneuchi, into view of Tomiyori in order to allow for hand-free operation."

In response, Applicant respectfully submits that, in regard to claim 3, the Examiner recites the following feature as being described in the cited prior art: "that includes one or more key words established by a party independent of the caller...." Applicant submits that no such reference exists in any of cited references, whether considered individually or in combination with each other. To the contrary, in Tomiyori, the speed dialing memory 11 defines a map for establishing relationships between user-defined speed dialing codes and corresponding address numbers. Reference is made to col. 2, lines 63- 68.

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Claim 3 recites in part: "before a number is out-dialed, searching a data base that includes one or more key words established by a party independent of the caller and linked with the telephone number to be out-dialed". As presented earlier, the instant application defines, at page 20, lines 9-11, a party independent of the caller as "a party acting independently of the caller is a party that can establish one or more key words linked to an address without the approval of the caller (i.e. user)."

It should also be noted that the expression "**party independent of the caller**" is explicitly defined at page 20, lines 9-11 of the specification, as a party that can establish one or more key words linked to an address with the approval of the caller. This is further defined at page 18, line 32 through page 19, line 3. "A party acting independently of the user is a party that can cause an alternate address to be linked or create a linked alternate address without the approval of the user (i.e. caller)."

An independent party, as used in this embodiment, is therefore a party a) that is not under the control of the individual telephone user, user or speaker; and b) that has the capability of establishing the expression herein referenced as "one or more key words" and its corresponding address for use by a multiplicity of callers, users or speakers, with out the direct approval of said callers, users, or speakers.

Kaneuchi teaches the same or similar concept as Tomiyori of "user-defined speed dialing codes and corresponding address numbers". Refer to Kaneuchi Figure 13; col. 16, lines 66-68; and col. 17, lines 1-10. The only difference, as the Examiner makes clear, is that Kaneuchi uses voice rather than key strokes for the speed dialing.

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In short, Tomiyori and Kaneuchi generally disclose a similar subject matter relative to the present invention, and digress broadly from the present claim. For example, in either Kaneuchi or Tomiyori, how would the user know the speed dialing codes to use? How does Kaneuchi or Tomiyori set up their system even if they know the code but don't know the number to be associated with the code and out-dialed?

With regard to claim 5, Applicant incorporates herein the presented made earlier in connection with claim 3.

Considering now the combination of Kaneuchi and Tomiyori, such hypothetical combination is not supported by the legal authorities above, in that Applicant believes that there is no suggestion or teaching in either reference to support this combination.

In addition, assuming for the sake of argument only that Kaneuchi and Tomiyori were combined the portions of the Kaneuchi reference that are relevant to this combination relate a) to an improved method of setting up the Kaneuchi speed dialer using voice rather than key strokes as input, and b) to a method of determining whether or not an area code is needed in a dialed number based on a manual input into the system. However, **this combination fails to describe or suggest, whether expressly or impliedly, the main features of the present invention**.

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CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: <u>August 2 2004</u>

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